

1 GEORLEN K. SPANGLER, ESQ.  
2 Nevada Bar No. 003818  
3 MATTHEW T. DUSHOFF, ESQ.  
4 Nevada Bar No. 004975  
5 **KOLESAR & LEATHAM**  
6 400 South Rampart Boulevard, Suite 400  
7 Las Vegas, Nevada 89145  
8 Telephone: (702) 362-7800  
9 Facsimile: (702) 362-9472  
10 E-Mail: gspangler@klnevada.com  
11 mdushoff@klnevada.com

12 Attorneys for Third-Party Garnishee  
13 ROSENDIN ELECTRIC, INC.

14 **UNITED STATES DISTRICT COURT**

15 **DISTRICT OF NEVADA**

16 \* \* \*

17 TRUSTEES OF THE CONSTRUCTION  
18 INDUSTRY AND LABORERS HEALTH  
19 AND WELFARE TRUST; TRUSTEES OF  
20 THE CONSTRUCTION INDUSTRY AND  
LABORERS JOINT PENSION TRUST;  
TRUSTEES OF THE CONSTRUCTION  
INDUSTRY AND LABORERS VACATION  
TRUST; AND TRUSTEES OF THE  
SOUTHERN NEVADA LABORERS LOCAL  
872 TRAINING TRUST,

21 Plaintiffs,

22 vs.

23 JR CONCRETE CUTTING, INC., a Nevada  
corporation; and EDITH RICHELLE  
HERRERA, an individual,

24 Defendants.

25 CASE NO. 2:09-cv-01897-RDJ-RJJ

26 **AMENDED ORDER DENYING  
PLAINTIFFS' MOTION FOR  
GARNISHEE JUDGMENT AGAINST  
ROSENDIN ELECTRIC, INC.**

27 THIS MATTER having come on for hearing on June 19, 2013 on Plaintiffs Trustees of  
the Construction Industry and Laborers Health and Welfare Trust, Trustees of the Construction  
Industry and Laborers Joint Pension Trust, Trustees of the Construction Industry and Laborers  
Vacation Trust, and Trustees of the Southern Nevada Laborers Local 872 Training Trust  
(collectively "Plaintiffs") Motion for Garnishee Judgment Against Rosendin Electric, Inc.  
28 ("Motion") [Dkt. 28], Ryan C. Curtis, Esq. of Brownstein Hyatt Farber Schreck appeared on

KOLESAR & LEATHAM  
400 South Rampart Boulevard, Suite 400  
Las Vegas, Nevada 89145  
Tel: (702) 362-7800 / Fax: (702) 362-9472

1 behalf of Plaintiffs and Georlen K. Spangler, Esq. of Kolesar & Leatham having appeared on  
2 behalf of Third-Party Garnishee, Rosendin Electric, Inc. (“Rosendin”), and the Court having  
3 received and reviewed the Motion, Rosendin’s Opposition, and the Plaintiffs’ Reply, and having  
4 heard the arguments of counsel and being fully advised in the premises, and good cause  
5 appearing therefore, the Court finds as follows:

6           1. The Plaintiffs' Motion for Garnishee Judgment against Rosendin Electric, Inc. is  
7 hereby DENIED.

8           2. Rosendin shall have ten (10) days from the date of this Order within which to  
9 answer the Garnishment Interrogatories.

10       3. Rosendin shall provide two (2) answers to the Garnishment Interrogatories: one  
11 set shall be responsive to conditions that existed on May 31, 2012, the date the Writ of  
12 Garnishment was served; and one set shall be responsive to conditions that exist as of the date  
13 that the Garnishment Interrogatories are signed. The answers shall be served upon the Plaintiffs'  
14 counsel directly instead of through the U.S. Marshall's office and a copy of the answers shall be  
15 filed with the Court. If any monies are found to be owing to JR Concrete, as evidenced by the  
16 answers, Rosendin shall pay those monies to the Plaintiff without need of any further  
17 proceedings.

Dated this 12th day of July, 2013.

  
**UNITED STATES DISTRICT JUDGE**

Respectfully submitted:

By: Georen K. Spangler  
GEOREN K. SPANGLER, ESQ.  
Nevada Bar No. 003818  
MATTHEW T. DUSHOFF, ESQ.  
Nevada Bar No. 004975  
400 South Rampart Blvd., Suite  
Las Vegas, Nevada 89145

Attorneys for ROSENDIN ELECTRIC, INC.